

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-03-0104 MCE GGH P

vs.

CY IRVING BROWN,

Movant.

ORDER

_____/

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. In its August 15, 2008, opposition, respondent appears to have set this matter for hearing, although the putative hearing was improperly noticed. In addition, the court must review the moving, opposition and reply papers in this matter before it can determine whether an evidentiary hearing is necessary.

Accordingly, IT IS ORDERED that the hearing in this matter, evidently set for November 18, 2008 (Docket # 109), is VACATED from the court's calendar.

DATED: November 19, 2008

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH: ab
brow0104.vac